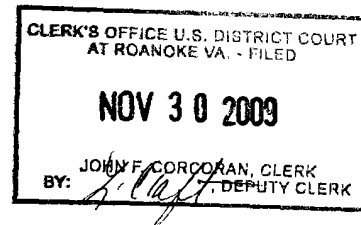


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION



UNITED STATES OF AMERICA)	Criminal Action No. 1:04-cr-00053-1
)	
v.)	<u>ORDER</u>
)	
ERIC THOMAS MYERS,)	By: Hon. James C. Turk
Petitioner.)	Senior United States District Judge

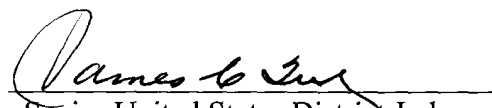
In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

petitioner's motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255 (docket #77), is **DISMISSED** as untimely filed; a Certificate of Appealability is **DENIED**; and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the United States.

ENTER: This 30th day of November, 2009.


Senior United States District Judge